

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Clinton D. Johnson, Jr., #HC12311948319)
a/k/a Clinton D. Johnson, Jr.,)
#SC007900097, a/k/a Clinton Douglas)
Johnson, Jr., a/k/a Kayzon Ru,)

Plaintiff,)

vs.)

Officer B.R. Dancelon; Blake A. Norton;)
Shawn D. Chastin; Eli Elijah Hewell; Kim)
Rutz; Kim Dubose; Southern Healthcare)
Partners; Henry McMaster; Captain Jeremy)
Chapman; Brian Danielson; Mike)
Crenshaw; Wayne Owens; MPD Collins;)
Deputy Hailey; Bethany Blundy; David R)
Wagner; and Steven Gilliard,)

Defendants.)

Civil Action Number 5:22-cv-01547-SAL

OPINION AND ORDER

This matter is before the court for review of the Report and Recommendation (Report) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.) (“Report”). [ECF No. 29.] In the Report, the Magistrate Judge recommends that Defendant’s Amended Complaint, ECF No. 14, be dismissed without prejudice. [ECF No. 29 at 6.] For the reasons below, the court adopts the Report in its entirety.

BACKGROUND

Plaintiff, proceeding pro se and in forma pauperis, filed his Amended Complaint against Defendants alleging violations of his civil rights. [ECF No. 14.] The Magistrate Judge then issued her Report recommending that Plaintiff’s Amended Complaint be dismissed without prejudice. [ECF No. 29 at 6.] Attached to the Report was a Notice of Right to File Objections. *Id.* at 7. Plaintiff filed an Objection to the Report, ECF No. 33, as well as five supplements, ECF Nos. 35,

36, 37, 39, and 44. In total, these filings consisted of 105 pages of handwritten documents. *See id.* Plaintiff also sent the court miscellaneous food wrappers. [ECF No. 37.] This matter is now ripe for ruling.

REVIEW OF A MAGISTRATE JUDGE’S REPORT

The court is charged with making a de novo determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). A district court, however, need only conduct a de novo review of the specific portions of the Magistrate Judge’s Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). Without any specific objections to portions of the Report, this court need not explain its reasons for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

“An objection is specific if it ‘enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.’” *Dunlap v. TM Trucking of the Carolinas, LLC*, 288 F. Supp. 3d 654, 2017 WL 6345402, at *5 n.6 (D.S.C. 2017) (citing *One Parcel of Real Prop. Known as 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996)). A specific objection to the Magistrate Judge’s Report thus requires more than a reassertion of arguments from the pleading or a mere citation to legal authorities. *See Workman v. Perry*, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017). A specific objection must “direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

“Generally stated, nonspecific objections have the same effect as a failure to object.” *Staley v. Norton*, No. 9:07-0288-PMD, 2007 U.S. Dist. LEXIS 15489, 2007 WL 821181, at *1 (D.S.C. Mar. 2, 2007) (citing *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991)). The court reviews portions “not objected to—including those portions to which only ‘general and conclusory’ objections have been made—for clear error.” *Id.* (emphasis added) (citing *Diamond v. Colonial Life Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005)).

DISCUSSION

The court has thoroughly reviewed Plaintiff’s Objection, ECF No. 33, and additional attachments, ECF Nos. 35, 36, 39, and 44. Despite the length of these filings, the court finds Plaintiff fails to raise specific objections to the Report. Rather, Plaintiff’s objections, including his supplementary filings, include over 105 pages of repeated conclusory allegations,¹ hand-drawings of various images,² and lists of Bible verses, statutes, cases, and regulations.³ *See id.*

Notably absent from Plaintiff’s Objection, however, is any specific response to the Magistrate Judge’s Report. Absent specific objections, the court need not explain adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

¹ See ECF No. 36 at 22 (“Extremely cold environments; Lack of Nutrition, diversity in Meal plan diet, sanitary environment and moral lending to Mental Anguish, per Hand (left) breaking out due to Lack of Mop, broom, cleaning supplies, feces, stool . . .”).

² See ECF No. 30 at 1; ECF No. 33 at 1; ECF No. 36 at 1; ECF No. 44 at 10.

³ See ECF No. 36 at 39 (quoting bible quotes such as Acts 7:44-53, Romans 12:1-2, 2 Corinthians 6:15-17, and Ephesians 3:16); see *also* ECF No. 36 at 7 (“S.C. Code Regs. 61-4.100.1:2 Exemption of Civil Defense officials (South Carolina Code of Regulations (2022 ed.)”); ECF No. 35 at 5; ECF No. 39 at 12; ECF No. 39 at 15]; ECF No. 39 at 26.

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the report, ECF No. 29, and incorporates the Report by reference. The case is therefore **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

February 13, 2023
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge